

REMARKS

This Application has been carefully reviewed in light of the final Office Action electronically sent November 17, 2008. Claims 1-2 and 4-6, 8-18, 20-24, 26, 28, and 30-36 are pending in the application and were rejected in the Office Action. For at least the reasons discussed below, Applicants respectfully request reconsideration and favorable action in this case.

Section 103 Rejections

The Examiner rejects Claims 1-2, 4-6, 8-18, 20-24, 26, 28, 30, and 32-36 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,968,179 issued to De Vries ("*De Vries*"). The Examiner also rejects Claim 31 under 35 U.S.C. § 103(a) as being unpatentable over *De Vries* in view of U.S. Publication No. 2003/0004743 issued to Callegari ("*Callegari*").

Independent Claim 1 of the present application recites the following limitations:

A method of providing presence information, wherein a first instant messaging user possesses a wireless device while at a location of a business, comprising:

storing business information identifying said business in a business client system device and retrieving said business information;

transmitting all or part of said business information as presence information, including physical location information of said business, to said wireless device of said first instant messaging user, wherein said physical location information of said business that is transmitted to said wireless device comprises one or more of the following: an address, phone number, directions to said location, email address information of said business, and one or more links to Internet websites;

whereby said presence information is received by said wireless device of said first instant messaging user in response to a single action performed by said first instant messaging user; and

storing click statistics in a database, wherein said click statistics comprise statistics of viewing of said presence information by one or more second instant messaging users.

Applicants respectfully submit that *De Vries* does not disclose, teach or suggest each and every one of these limitations. For example, the Office Action notes that *De Vries* may not teach that "said physical location information of said business that is transmitted to said

wireless device comprises one or more of the following: an address, phone number, directions to said location, email address information of said business, and one or more links to Internet websites.” However, the Office Action asserts that the particular type of information (i.e., physical location information) is irrelevant and that the disclosure of *any* type of information (i.e., an advertisement) is sufficient to meet this limitation. Applicants respectfully contend that the Examiner is ignoring the words “physical location” as a modifier of the term “information.” The claims specifically require this type of information and, in fact, provide a *Markush* group reciting various examples of such information. The fact is that the reference does not disclose any of these examples of physical location information. Furthermore, the Office Action does not explain what it would be obvious to send physical location information in light of the teachings of *De Vries*. Instead, the Office Action disregards this claim language.

Moreover, *De Vries* does not disclose, teach or suggest “storing click statistics in a database, wherein said click statistics comprise statistics of viewing of said presence information by one or more second instant messaging users.” For a teaching of this limitation, the Office Action cites to Column 7, line 55 – Column 8, line 5 of *De Vries*, which discloses that a user may subscribe to a service that provides the user updates of the location of the user’s “buddies.” Applicants respectfully submit that this is not a disclosure or suggestion of “storing click statistics in a database, wherein said click statistics comprise statistics of viewing of said presence information by one or more second instant messaging users.” First, the cited passage does not disclose “click statistics.” As with “physical location information,” the Office Action seeks to disregard the specific claim language and interpret “click statistics” to mean the information of *De Vries* that is pushed to the user based on an earlier subscription to a service. However, in this case, Applicants have chosen to “be their own lexicographer” and have used a term that is defined uniquely in the present application. Specifically, Paragraph 48 defines a click statistic as a statistic “associated with the selection of presence information by instant messaging users.” In *De Vries* there is no selection of presence information, instead information is passively pushed to a user. Second, even assuming for the sake of argument that the receipt of a user’s location information based on a previous subscription is a “click,” there is no disclosure of a database that stores statistics of the users who actually view the location information of another user/buddy (since the

information is passively sent and not due to a request for that particular information by a user).

For at least these reasons, Applicants respectfully submit that Claim 1 is in condition for allowance. Therefore, Applicants respectfully request reconsideration and allowance of Claim 1, as well as the claims that depend from Claim 1. Furthermore, independent Claim 32 includes limitations that are similar to those limitations of Claim 1 discussed above, and thus is allowable for similar reasons. Therefore, Applicants also respectfully request reconsideration and allowance of Claim 32, as well as the claims that depend from Claim 32.

Independent Claim 21 of the present application recites the following limitations:

A business client system for sending presence information with advertisement to a wireless instant messaging user, comprising:

a storage component for storing business information of said business,
a statistics component to receive and store statistic reports on activity of said instant messaging user in selecting said business information of said business, wherein said statistic reports are received from an instant messaging server of an instant messaging service; and wherein said statistic reports comprise information for business analysis and measurement of a marketing success of said transmitted business information, and

a business client device further comprising:

a wireless communication component for transmitting and receiving data using a wireless protocol; and

a transmitting component to transmit said business information to said wireless instant messaging user,

whereby presence information, including physical location information of said business, for said wireless instant messaging user is updated, wherein said physical location information of said business comprises one or more of the following: an address, phone number, directions to said location, email address information of said business, and one or more links to Internet websites.

Applicants respectfully submit that *De Vries* does not disclose, teach or suggest each and every one of these limitations. For example, there is no disclosure of “a statistics component to receive and store statistic reports on activity of said instant messaging user in selecting said business information of said business, wherein said statistic reports are received from an instant messaging server of an instant messaging service; and wherein said statistic reports comprise information for business analysis and measurement of a marketing success of said transmitted business information.” For a teaching of this limitation, the

Office Action cites to Column 11, lines 53-54 of *De Vries*. However, whether a user is a “coffee drinker or a vegetarian” is determined in *De Vries* by the profile or preferences that are specified by the user, it is not disclosed as being based on “statistic reports on activity of said instant messaging user in selecting said business information of said business.” The Response to Arguments section of the Final Office Action first argues that this entry of user profile information is a disclosure of a statistic report sent by the user, but this is clearly not a “statistic report” given the broadest reasonable meaning of that term in light of the present specification. Furthermore, it is not a statistic report of the user’s activity “in selecting said business information of said business.” A user providing profile information that the user is coffee drinker or a vegetarian is clearly not related to a user’s selection of the previously-recited information of a business.

Furthermore, there is no disclosure that statistic reports are received from an instant messaging server. As noted above, the Office Action argues that the statistic reports are received from the user. Now, in this context, the Office Action asserts that they are received from an instant messaging server. There is no disclosure that updates to a user’s profile are received from a server (they would be sent to the server). In addition, as asserted above, the user profile information is not a statistic report on activity of an instant messaging user in selecting business information of a business.

Moreover, there is no disclosure that statistic reports comprise information for business analysis and measurement of a marketing success of said transmitted business information. Again, the Office Action chooses to ignore this limitation by asserting that it does not limit the claim. However, this limitation clearly identifies a type of information (“information for business analysis and measurement of a marketing success of said transmitted business information”) that must be included in the reports that are required by the claim. This is not an intended use. It is a recitation of the communication of a certain type of information. Such information for business analysis and measurement of a marketing success is not disclosed by a user’s profile information.

Finally, for the same reasons as discussed above in conjunction with Claim 1, *De Vries* does not disclose, teach or suggest that “physical location information of said business

comprises one or more of the following: an address, phone number, directions to said location, email address information of said business, and one or more links to Internet websites.”

For at least these reasons, Applicants respectfully submit that Claim 21 is in condition for allowance. Therefore, Applicants respectfully request reconsideration and allowance of Claim 21, as well as the claims that depend from Claim 21.

Independent Claim 28 of the present application, as amended, recites the following limitations:

A method of advertising comprising:

sending presence information, including physical location information of a business, to a visiting instant messaging user who visits said business and to one or more instant messaging users who list said visiting instant messaging user on an instant messaging address list, wherein said physical location information of said business that is sent to said visiting instant messaging user comprises one or more of the following: an address, phone number, directions to said location, email address information of said business, and one or more links to Internet websites; and

displaying part of said presence information to said visiting instant messaging user and to said one or more instant messenger users;

wherein said part of said presence information includes a link to advertisements for said business.

Applicants respectfully submit that *De Vries* does not disclose, teach or suggest each and every one of these limitations. For example, for the same reasons as discussed above in conjunction with Claim 1, *De Vries* does not disclose, teach or suggest that “physical location information of said business that is sent to said visiting instant messaging user comprises one or more of the following: an address, phone number, directions to said location, email address information of said business, and one or more links to Internet websites.”

Furthermore, *De Vries* does not disclose, teach or suggest presence information that includes a link to advertisements for a business.

For at least these reasons, Applicants respectfully submit that Claim 28 is in condition for allowance. Therefore, Applicants respectfully request reconsideration and allowance of Claim 28, as well as the claims that depend from Claim 28.

CONCLUSION

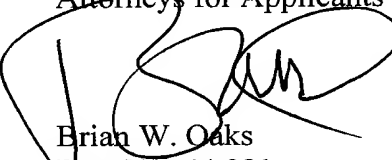
Applicants have made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicants respectfully request full allowance of all the pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Brian W. Oaks, Attorney for Applicants, at the Examiner's convenience at (214) 953-6986.

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Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicants



Brian W. Oaks
Reg. No. 44,981

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Correspondence Address:

Customer Number: 05073